

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: ) Chapter 11  
)  
PATRICK and KIM DEL MONICO, ) No. 04 B 38235  
)  
Debtors. ) Judge Goldgar

**FINAL PRETRIAL ORDER**

This matter is set for hearing at the United States Courthouse, 219 South Dearborn Street, Room 613, Chicago, Illinois on February 22, 2005 at 1:30 p.m. on the U.S. Trustee's motion for appointment of a chapter 11 trustee. At the court's discretion, the hearing will continue from day to day until completed. Unless modified by the court, the following provisions will govern the course of proceedings in this case:

1. **Continuances.** The hearing date is firm. No continuance of the hearing date will be granted other than for exceptionally good cause shown. Any motion for continuance must be presented, with proper notice, at least ten (10) days before the hearing date.

2. **Discovery.** Discovery is closed, except that the parties may conduct any further discovery they choose by mutual agreement.

3. **Pleadings and Dispositive Motions.** No party seeks to file any further pleadings or potentially dispositive motions.

4. **Exhibits and Exhibit Lists.** On or before February 16, 2005, all parties must exchange and file with the court copies of all exhibits to be introduced into evidence. Each proposed exhibit must be clearly numbered in the order of its probable presentation at the hearing. Each document must be given a separate exhibit number.

In addition to the exhibits, all parties must exchange and file with the court a list of the numbered exhibits. Next to each exhibit a brief description of each exhibit must be provided.

One (1) set of the exhibits and two (2) copies of the exhibit list must be filed with court.

If no written objection to an exhibit is filed with the court and tendered to the proponent on or before February 21, 2005, the exhibit will be deemed admitted into evidence.

5. Witnesses and Witness Lists. On or before February 16, 2005, all parties must exchange and file with the court a list of all witnesses they intend to call at the hearing, together with a brief description of the subject matter of the witness's testimony.


6. Courtesy copies. Courtesy copies of the witness and exhibit lists, the exhibits, and any objections to exhibits must be submitted to chambers on the date of filing.

7. Compliance with this Order. Failure to comply with this Order *will* result in the imposition of appropriate sanctions pursuant to Rule 16(f), Fed. R. Civ. P. 16(f) (made applicable by Fed. R. Bankr. R. Rule 7016). These include, but are not limited to, the following:

- a. Any exhibit not listed and exchanged in accordance with this Order will not be admitted into evidence. A party who fails to exchange and file the list of exhibits that this Order requires will be precluded from introducing any exhibits into evidence. *In re Maurice*, 21 F.3d 767 (7th Cir. 1994).
- b. Any witness not identified and listed in accordance with this Order will be barred from testifying at the hearing. A party who fails to exchange and file with the court the list of witnesses that this Order requires will be barred from presenting any witnesses. *In re Maurice*, 21 F.3d 767 (7th Cir. 1994).

Dated: February 9, 2005

ENTER:

  
A. Benjamin Goldgar

United States Bankruptcy Judge